Natural Law, whether grounded in human reason or divine edict, is an unwritten form of law which encourages people to follow virtue and shun vice. The concept dominated Renaissance thought, where its literary equivalent, poetic justice, underpinned much of the period’s creative writing. R. S. White’s study examines a wide range of Renaissance texts, by More, Spenser, Sidney, Shakespeare and Milton, in the light of these developing ideas of Natural Law. It shows how writers as radically different as Aquinas and Hobbes formulated versions of Natural Law which served to maintain socially established hierarchies. For Aquinas, Natural Law always resided in the individual’s conscience, whereas Hobbes thought individuals had limited access to virtue and therefore needed to be coerced by the state into doing good. White shows how the very flexibility and antiquity of Natural Law enabled its appropriation and application by thinkers of all political persuasions in a debate that raged throughout the Renaissance and which continues in our own time.
Natural Law in English Renaissance literature
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For John Colmer
In memoriam
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Law rational therefore, which men commonly use to call the Law of Nature, meaning thereby the Law which human Nature knoweth itself in reason universally bound unto, which also for that cause may be termed most fitly the Law of Reason; this Law, say I, comprehendeth all those things which men by the light of their natural understanding evidently know, or at leastwise may know, to be beseeming or unbeseeing, virtuous or vicious, good or evil for them to do.¹

Natural Law is law which ‘authorises’ all positive, human laws. According to its classical exponents it is located in the purity of human reason, and, to its Christian theorists, in reason and conscience, motivated by an instinctive need to guarantee human survival. It is a form of knowledge which spurs us to follow virtue and shun vice. The concept dominated Renaissance thought and, through its literary equivalent, later to be called poetic justice, it influenced all English writers of the period in fundamental ways. There was a sceptical and resistant tradition dating from Calvin and summated by Hobbes, suggesting that after the Fall Natural Law existed, not, as Aquinas held, in the human mind and heart, but in God’s will and the sovereign’s fiat, but even this line of argument necessarily worked within the terms laid down by Aquinas.

Natural Law may be regarded simply as an intellectual ‘model’, since in the realm of observation it has ‘never really existed’.² No actual society has ever been built upon its premises. It may be no more than a rational hypothesis, or a useful, even necessary, construction, suggesting what ‘ought to be’ rather than what ‘is’. Other ways of saying the same thing might be, first, that Natural Law has the status of ‘reality’ only as an ‘imaginative projection’,³ or that it is not a finished product but a process, that process being reason itself as it contemplates good and evil. Postmodern theory has, if nothing else, made us wary of anything that smacks of universalism, and there is absolutely nothing to refute the argument that Natural Law is no more and no less than a constructed fiction. ‘There is nothing either good or bad, but thinking makes it so’, says Hamlet, in richly ambiguous fashion. Even when constructions are
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Elevated into values for living, it is utility rather than truth that guides such priorities. All I claim to do in this book is to prove the existence and importance of the ideas in the English Renaissance, and to demonstrate that these ideas had creative outcomes throughout the literature of the period. Indeed, it could be claimed that the proximity of poetic justice and Natural Law in the English literary Renaissance centrally defines the continuing intellectual and emotional power and vitality of the period's output.

The primary contribution this book is intended to make is to literary history, as a selection of important texts are interpreted in the context of pervasive debates in the English Renaissance on Natural Law. However, given the sheer scope of Natural Law itself, which was an ancient concept going back to pre-Socratic Greek writers and which was given magisterial expression in the writing of the medieval St Thomas Aquinas, and since its implications reach into law, religion, politics, and moral philosophy, a part of the book is devoted to setting up intellectual contexts before moving primarily on to texts. I hope literary readers will find this preparatory attention justified, and, more than this, I hope it will make the book of some interest to students of the history of ideas and to legal historians, as well as to that figure who, however elusive, inspires most writers, 'the general reader', who may start from an interest in the current revival of Natural Law thinking.

It is important to stress that the writers and the particular works I choose to analyse are by no means the only ones showing Natural Law influence. They are exemplary of a pervasive and profound tendency in English Renaissance literature to address the subject in terms established by Aquinas and challenged but not denied by the Reformation. Almost any major work written during the period could have been analysed fruitfully, but, in terms of the texts chosen, I have tried to make my book complementary to those by John S. Wilks (who writes mainly on Richard III, Hamlet, Marlowe, Webster, Tourneur, and Ford), and George C. Herndl (who concentrates entirely on Jacobean drama), and to cover a range of different literary forms, in prose, poetry, and drama; comedy, tragedy, romance, and polemic. The only real regret I have is omitting Hamlet, which is covered especially thoroughly by Wilks from the point of view of conscience. Hamlet could be regarded as the Natural Law hero par excellence, the philosophy student from Faustus' university at Wittenberg which was also Luther's place of confrontation, and spending his play brooding on the fundamentals of reason and conscience in action.

My analysis is also incomplete in the sense of not covering all aspects of Natural Law in each work, and not consistently following through the
same preoccupations through each work. I try to deal with each text as *sui generis*, raising its own problems, and standing at a unique place along the spectrum from idealism to scepticism. Although I argue that Natural Law provided a constructed model whose basic reference points of ‘right reason’ and conscience had virtually normative status in the Renaissance, yet I do not pretend that it was universally accepted as an agreed, singular or straightforward concept. It was, on the contrary, a site for considerable argument because of its inherent generality and the undoubted ambiguity of applying it to actual circumstances. Because of its antiquity and ubiquitousness, Natural Law was ripe for appropriation by thinkers of virtually all persuasions, leading to a plethora of descriptions, hazy lines drawn between reason and ‘natural’ passion, dispute over its jurisdiction and applications, and even to scepticism about whether it can ever operate in a fallen world. For example, Renaissance Natural Law could be, and was, used to justify the freedom of the rich at the expense of the poor, or freedom for the poor at the cost of abolishing private wealth. I hope my analysis of texts reflects the fact that such controversies are inscribed in literature. Such apparently simple dicta as ‘trust reason and conscience; follow virtue, shun vice’ become surprisingly complex and contentious in particular fictional circumstances, and the fundamental argument over whether Natural Law lies in the human heart, as Aquinas argued, or is almost irretrievable by fallen human beings without the extension of God’s grace and the strong political actions of a monarch, is also reflected in the writings. Every writer takes an individual stand on such matters, making each work different, sometimes radically different, from the others. But the simple, overarching idea that the model of Natural Law is a central analogy for notions of ‘poetic justice’ invariably applies to the anticipated reception by readers and audience, in the fullest, educative function of ‘poesy’.

As Herbert Butterfield memorably argued, victors rewrite history. There is a problem of historical retrieval for modern scholars, since between us and the sixteenth century stands the bulky *Leviathan* of Thomas Hobbes. After this book took root in England, the name Aquinas was barely heard again, and Natural Law became a justification for what Aquinas would have regarded as very dubious positions which emphasised individual freedoms often at the expense of community and fellow-beings. I should make it clear from the outset that my highlighting of Hobbes is not done with any suggestion that he was the first to voice a sceptical view of Aquinian Natural Law: far from it, since, as I make clear, his ideas synthesise and extend many others available since the Reformation. But it is, rather, to identify and clear away the ‘victor’s perspective’ which has made it possible, to my mind, to overstress the
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influence in the Renaissance of Calvinist scepticism, and to minimise the normativeness, sheer flux, and diversity of Natural Law thinking before 1660, which operated, I argue, within a generally Aquinian orthodoxy even while it faced sceptical challenges.

This statement of intention allows me to ‘position’ myself in relation to books which deal with similar terrain. The few scholars who have written systematically on Natural Law in Renaissance literature, (for example, George C. Herndl, John S. Wilks, and Richard A. McCabe, all cited in the Bibliography), have tended to focus fairly exclusively on drama in the Jacobean period, and to emphasise the Calvinist approach which centralises the fatal corruptions rendered by the Fall, clouding man’s access to Natural Law and casting deep suspicion on the view that reason and conscience are innate gifts. This view was certainly powerful and important in a time of rapid political change in England, and in some ways it was the ultimate victor in the argument. As I have mentioned, the sceptical position was to be rationalised so eloquently and powerfully by Hobbes in 1651 (although even he significantly does not question the existence of Natural Law, but relocates its operation) that it was to become the new norm of the ‘Enlightenment’. But, as I try to stress, this should not make us read the sceptical tradition into everything in hindsight. Spenser and Sidney were generally more Calvinist than, for example, Shakespeare, More, and Milton, but even they accepted some kind of Natural Law model, accessible to the reader’s understanding as a basis for morally judging characters’ actions. The evidence points rather to the anti-Calvinist, Hooker, contemporary of Shakespeare, Webster, and Ford, as the spokesman for the ‘establishment’ view, and for the dominant one before Hobbes, in the quotation at the beginning of this Preface. The English Revolution brought back Natural Law thinking as a basis for argument, and after the Restoration it lived and thrived in the American colonies under the term ‘fundamental law’. Rather than agreeing with Herndl that Aquinian concepts of Natural Law were dislodged at the beginning of the seventeenth century, my research confirms Robert Hoopes’ argument that the supremacy of ‘Right Reason’ was not to be undermined until after the Restoration, although obviously the roots of the dislodging forces were evident very much earlier.6 If anything, it gained fresh force in the English Revolution of the seventeenth century. I try to guide attention back to the seminal work of the gentle, corpulent Saint Thomas Aquinas, and to the classical formulations of Natural Law itself which provided imaginative writers with such a comprehensive and fertile analogy for the kind of justice operating in their own works.

At the same time, it is undoubtedly true that the tensions entered in the
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Reformation, and I have tried to build into my argument the very important influence of the sceptical tradition, and to incorporate the findings of Herndl and Wilks. This tradition is especially important for Spenser, Sidney, and a reading of Edmund in King Lear. But it is significant that none of these writers actually challenges Natural Law itself. Like Calvin, Luther, and Hobbes, they simply express problems about man’s exact relationship to the Natural Law. Rather than engage in direct dialogue with Herndl’s and Wilks’ accounts, however, or go over the territory of the Jacobean drama, both of which would risk overbalancing my own argument, I hope that the breadth of my chosen period, reaching from More to Milton, will be seen to establish a rather different focus, which allows for the existence of dominant and dissenting views, amalgamated in complex fashion in works of the imagination. At the same time, I readily acknowledge my pervasive debt to these scholars who are among the few to have ploughed the same vast field.

A few caveats need to be entered to define our own, twentieth-century, intellectual distance from earlier Natural Law assumptions. First, Re-naissance Natural Law has only a tangential relationship with one phenomenon which seems to be sweeping at least the English-speaking world in the 1990s under the name of Natural Law. The creation of ‘New Age’ thinkers, this movement has its roots almost entirely in eastern traditions of mysticism rather than Greek philosophy and Roman Law, although it is clear that the two traditions sprang from similar community and personal, human needs. It may be generally characteristic of the two ancient cultures that where the eastern is mystical and amorally sense-based, the western is rooted in reason and morality. I am dealing with the western line, and do not address other versions of Natural Law.

Secondly, and perhaps more worrying, I am acutely aware that the tradition of Natural Law with which I am dealing was fairly implacably patriarchal, and all the commentators in both their language and their narratives tacitly assume its operation to be an exclusively male domain. ‘What a piece of work is man’, says Hamlet, and, given his treatment of Ophelia, there is no reason to believe that he means the phrase to be interpreted in any way but literally. Constance Jordan, even while arguing for the existence of ‘Renaissance feminism’, sharply observes ‘that there were very few ways to interpret contemporary concepts of natural law that were not prejudicial to women’. This is not to say that the underlying and basic theory cannot for all time be applied in egalitarian and enlightened ways. After all, the abolition of slavery was effected largely with the rhetoric of Natural Law, and the gradual emancipation of women has undoubtedly been influenced by its tradition and logic. On the other hand, the assumption that supremacy of male
over female, white over black, are ‘natural’ is clearly at the heart of profound inequalities. In the interests of pursuing my main theme of the influence of the general theory of Natural Law on literature, I do not pursue these uncomfortable facts beyond occasional statements, since I regard them as lying in the realm of ‘positive’ applications of the model, and, as such, intrinsically contentious and not a necessary part of the structure of ideas or the Natural Law model itself.

Although the task of the book is historical retrieval, there is also a contemporary dimension. The literary and philosophical material with which I deal may appear to belong to an age which is alien to our own and long gone, but the fundamental questions about good and evil which led to the construction of Natural Law will, to any reader in the late twentieth century, evoke haunting associations. The Nazi extermination of millions of Jews, the destruction of 200,000 innocent civilians in the moment it took to explode an atomic bomb over Hiroshima, the system of apartheid, and the policy of ‘mutually assured destruction’ (MAD) upon which the policy of proliferating nuclear weapons was based, have been our most recent witnesses to the fundamental injustice of consciously not allowing human beings to die as human beings, in the order of nature. Such actions and policies have shown, I believe, not only disregard for the sanctity of human life, but a violation of human reason. As Natural Law gives pre-eminence to reason, to conscience, and to human survival, open debate with its terms in mind might have made such actions unthinkable. What is truly appalling is that none of these policies was the isolated whim of a single madman or criminal. All were the result of policies collectively endorsed, sanctioned in some form of positive law, and carried out by whole populations through elected representatives, as part of their national aspirations.

The contemporary issues are not anachronistic in a book on sixteenth- and seventeenth-century English literature. My version of the Renaissance is not one of antiquarian or safely conservative enclaves of hooded scholars and meretricious poets and playwrights, destined to be swept into oblivion by the sophistications of postmodernism and cultural studies. The thinkers and writers dealt with in this book had the lucidity and courage to raise questions of a fundamental order, which, one could be forgiven for thinking, have been neglected in our own ‘progressive’ century. May we bequeath our children a sense of urgency in returning to these questions, for now, with the invention of ever more destructive technology and the rapid development of something wrongly called ‘communications’, and with the growth of an ever greater group of consumers, the stakes are as high as the survival of the human race itself. If the underlying logic of the model of Natural Law was to guarantee
such survival, sometimes at the cost of challenging the morality behind positive laws, then it may still have something to teach us.

A few explanations and justifications are necessary. I consistently privilege capital letters the terms Natural Law and Law of Nature (by which I intend the same thing, in line with most Renaissance theorists), because in certain contexts I wish to distinguish it from natural law or natural philosophy, intended to mean laws governing the physical universe and the animal world, without moral content. Secondly, I must continually assert that, by and large, the central subject of the book is the basic model of Natural Law, not its specific, contested, and confusing application to particular situations. I am looking at ‘the thing itself’, and such a distinction can easily be justified, given the abstraction and intended universality of the model. As an example, I do not address the objection anticipated above, which feminists will immediately make, that the way Natural Law was used in the Renaissance was systematically in the service of a patriarchal society and against the ‘rights of women’. My argument is that this would properly belong in a different book dealing with a particular application. The problem is not inherent in the Natural Law model itself, because its terms could easily and obviously be used to argue for women’s rights.

There are some other initial qualifications I should make, ‘that future strife may be avoided now’ as fellow scholars and readers move through the book. A work that addresses legal, historical, theological, and literary issues from pre-Socratic times to the end of the seventeenth century, may be destined to please no specialist in any one of these disciplines, but I would plead for some interdisciplinary tolerance from my readers, and a focusing on the broad ideas in their literary manifestations. More positively, I must thank the many hundreds of scholars in all fields who, in their books, have made my task less impossible by clearing some of the dark spaces. I modernise all quotations, since the emphasis is on ideas rather than linguistic niceties, and I do not wish to distract or alienate readers who are not scholars of the English Renaissance by ‘old spelling’. Only in the case of Spenser’s poetry is old spelling adopted, since it is customary, and sometimes necessary for metrical scanning. Finally, I have tried to keep footnotes to a necessary minimum, leaving the Bibliography as an indication of the quarry from which the argument, which I hope stands alone as a piece, was made. If I had followed up every qualification and modification that should be made to many of my over-confident generalisations, the footnotes alone would have made another book, or instead, like an academic Tristram Shandy, the book would never have advanced further than the first few footnotes.
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